

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

March 17, 2004

A regular meeting of the New Hampshire Board of Pharmacy was held on **March 17, 2004** at the Board office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:04 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President
Kristina Genovese, Vice-President
George L. Bowersox, Treasurer
Vahrij Manoukian, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator

ABSENT

Sandra B. Keans, Secretary

ALSO ATTENDING

Michelle Custeau - 6th year student – Northeastern University School of Pharmacy.
Guest of Commissioner Genovese.

Kerri Blatnik - 4th year student – MCPHS at Boston. Guest of Commissioner Petrin.

Upon the motion of **Petrin** and the second of **Bowersox**, the Board, by roll call vote, resolved to conduct a non-public session for the purpose of discussing matters of law enforcement whereby divulgence of the information likely would render the proposed action ineffective and that such a non-public session is authorized by RSA 91-A:3, II(c); RSA 91-A:3, II(e); RSA 91-A:5, IV; and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

In session: 9:05 AM

Out of session: 9:32 AM

No motions were made and no votes were taken during this session.

II. REVIEW OF ACTION ITEMS

- **FLORIDA INFUSION/NATIONS DRUG**

1053 Progress Court
Palm Harbor, FL 34683

Non-compliance with request to license as a wholesaler/distributor, according to RSA 318:51-a, and doing business in the State of NH.

Board review: November 19, 2003

Awaiting response from Florida Infusion/Nations Drug to Attorney General's March 2, 2004 letter alleging violation of RSA 318:51-a.

- **FLORIDA INFUSION PHARMACY**

4190 Corporate Court
Palm Harbor, FL 34683

Non-compliance with request to license as a mail-order pharmacy, according to RSA 318:37,II(a) and doing business in the State of NH.

Board review: November 19, 2003

Awaiting response from Florida Infusion/Nations Drug to Attorney General's March 2, 2004 letter alleging violation of RSA 318:51-a.

III. REVIEW / ADOPTION OF MINUTES

Minutes of the **February 18, 2004 special meeting** of the Board were accepted as submitted. **(Manoukian/ Bowersox). Voted (unanimous).**

Minutes of the **February 18, 2004 regular meeting** of the Board were accepted as corrected. **(Genovese/Bowersox). Voted (unanimous).**

Minutes of the **March 2, 2004 special meeting** of the Board were accepted as submitted. **(Manoukian /Petrin). Voted (unanimous).**

IV. LICENSING

A. **Pharmacy Technician**

MARTIN, LadyeGrace
Enfield, NH 03748
NH Registration – PT2646

Motion (Bowersox/Genovese) to accept the voluntary surrender of Ms. Martin's NH pharmacy technician registration. Voted (unanimous).

B. Pharmacy

New

a. APOTHECARY EXPRESS LLC

121 Loudon Road
Concord, NH 03301

Pharmacist-In-Charge/Owner: **Thomas R. Wilmot, R.Ph.**
NH License No. 2115

Application complete.

Motion (Genovese/Manoukian) granting a temporary permit to Apothecary Express, LLC located at 121 Loudon Road, Concord, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).

b. NORTHEAST PHARMACY SERVICES

125 North Main Street
Concord, NH 03301

Pharmacist-In-Charge: **Leon R. Parker, R.Ph.**
NH License No. R0867
Corporate Office/Supervisor: **Charles J. Fanaras, R.Ph.**
President

Application tabled February 18, 2004.

Application amended and complete as of March 17, 2004.

Motion (Genovese/Bowersox) granting a temporary permit to Northeast Pharmacy Services located at 125 North Main Street, Concord, NH based upon successful completion of the primary inspection, and issuance of the original permit upon successful completion of the secondary inspection pursuant to Ph 305.02. Voted (unanimous).

C. Wholesaler/Manufacturer

ESURG CORPORATION
1016 East Pike Street

Seattle, WA 98122

Non-compliance with request to license as a wholesaler/distributor, according to RSA 318:51-a, and doing business in the State of NH.

Board review: November 19, 2003

Motion (Petrin/Manoukian) to accept a Settlement Agreement the provisions of which include the immediate application for licensure as a wholesaler/distributor doing business in the State of New Hampshire and the payment of a \$1,000 civil fine. Voted (unanimous).

V. COMPLIANCE UNIT

A. **Activity Report**

- February 2004

Motion (Genovese/Bowersox) to accept the report as submitted. Voted (unanimous).

VI. OLD BUSINESS

A. **Automated Dispensing Machines**

Update on labeling of Baxter-type cells utilized in automatic (robotic) dispensing systems.

Agenda item tabled January 21, 2004 pending additional information.

Issue continues to be researched. Report of staff and members expected for the May meeting of the Board.

B. **Pharmaceutical Compounding – Sterile Preparations
USP General Chapter <797>**

Agenda item tabled January 21, 2004 pending additional information.

Thomas Kellermann, R.Ph. (New England Life Care) and D. Scott Graham, R.Ph. (Infusion Solutions, Inc.) updated the Board on the provisions of USP <797>. Kellermann and Graham will provide an orientation of USP <797> for Board staff (and any member interested in attending) on April 14, 2004.

Pharmacy inspection guidelines will be authored by the Board's Compliance Unit and distributed to all NH pharmacies.

VII. NEW BUSINESS

A. **Return of Controlled Substances**

- via wholesaler
- via reverse distributor
- via common carrier/courier

Reviewed and referred to Compliance Unit. Guidelines are already in place.

B. **Medication Assistance Programs**

Members of the Board and staff reviewed Commissioner Bowersox's report pursuant to his visit at several clinics/locations where prescription drugs (including controlled substances) are received from various drug manufacturers and processed for distribution to indigent citizens. Although the program is commendable, it creates a problem when drugs specifically ordered for patients are discontinued prior to delivery to the patient or are simply not picked up by the patient for whatever reason.

Such "unclaimed" drugs are accumulating at the various program locations and in some instances literally hundreds of stock bottles of prescription drugs were found in cabinets. Disposition/disposal of these drugs is viewed as a growing concern for public safety.

Commissioner Bowersox was asked to draft a communication to other Boards of Pharmacy in seeking how other states are dealing with this program.

A comprehensive report of findings and suggested resolution will follow at a later date.

VIII. ADJOURNED 11:18 AM

Respectfully submitted,

MINUTES
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Paul G. Boisseau, R.Ph.
Executive Secretary
FOR THE BOARD